

THIRTY-SIXTH DAY

(Thursday, March 16, 1967)

The Senate met at 7:50 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent

Grover Mauzy

A quorum was announced present.

The President offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Motion to Dispense
With Morning Call**

Senator Hightower asked unanimous consent that the Morning Call be dispensed with.

There was objection.

Senator Hightower then moved that the Morning Call be dispensed with.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Aikin	Hightower
Berry	Moore
Blanchard	Parkhouse
Christie	Ratliff
Connally	Reagan
Creighton	Wade
Hardeman	Watson
Hazlewood	Word
Herring	

Nays—12

Bates	Jordan
Bernal	Kennard
Brooks	Patman
Cole	Schwartz
Hall	Strong
Harrington	Wilson

Absent

Grover Mauzy

Reports of Standing Committee

Senator Hall submitted the following reports:

Austin, Texas,
March 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 233, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD
CHRISTIE

Austin, Texas,
March 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 71, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD
CHRISTIE

Senate Resolution 265

Senator Kennard offered the following resolution:

Whereas, There occurred one of the most important battles of history. Seven hundred eighty-three Texans, under General Sam Houston, defeated between 1,500 and 2,000 Mexicans under Santa Anna, the self-styled Napoleon of the West.

Whereas, There should never be a 21st day of April of any year that every Texan doesn't thank God that he is a Texan; that he doesn't look

back with pride on the day one hundred and twenty-nine years ago that Sam Houston achieved, with his little army, the independence of Texas. We should always keep in mind the importance of that victory. The whole United States of America, the Western Hemisphere, and every citizen of any of the republics of this hemisphere should be proud of the Texas Army and what they did at San Jacinto. The people of the United States, especially, should celebrate the 21st day of April, because it meant so much, not only to the grand old State of Texas, now a part of the American Union, but to the entire country.

Whereas, We ought to sit up and think about the consequences of that battle that day one hundred and twenty-nine years ago. That was the deciding factor that added to the American Union not only the magnificence of the State of Texas, with its wonderful natural resources, but all of the States of New Mexico, Arizona, California, Nevada, Oklahoma, Kansas, and some of Wyoming—almost one-fourth of the present United States—the greatest cattle section of the world, an area that now produces nearly one-half of the oil of the entire United States. That was all added because of the Texas army of a little more than seven hundred men one hundred and twenty-nine years ago who wrested this country from the tyranny of Mexico.

And that is not all of Texas' contributions; it is not all the results of that famous battle. It has given to the United States of America some of its leading statesmen like Sam Houston, Richard Coke, John H. Reagan, and Jim Hogg.

And today every Texan ought to be thankful of the fact that he is a Texan, the fact that he is the most fortunate man in the place of birth or place of adoption in the whole world, because of the grandeur and greatness of Texas, in which we take the greatest pride.

Whereas, We pause today briefly to pay respectful tribute to the memory of those intrepid Texans from whom we have inherited the traditions of liberty.

Texas and Coahuila was the name of the territory north of the Nueces River, now known as Texas. From the time of Mexico's independence from Spain it was a part of Mexico.

About the year 1821, Moses Austin, an American, was granted a large tract of land in Texas under the condition that he should colonize it with not less than five hundred families. This he and his son, Stephen F. Austin, who carried on his work, attempted to do, but the policy of Mexico towards the colonists was one of oppression to which the Americans would not submit.

The tide that the Austins set flowing ran for nearly a decade before the Mexican government took steps to halt it, and in those years some 30,000 people, colonists and their slaves, came in to give the Texas land a wholly new population, for they quite outnumbered the 3,000 Mexicans who were the only possessors after a whole century of Spanish settlement.

Eventually, the Mexican government repented of its liberality, brought the current of immigration to a stop, sought in various ways to curtail the autonomy of the Texans and to impose its way of life upon them. An army was sent among them to forestall opposition. The first crisis was weathered, but within a few years, Mexico passed under the dictatorship of Santa Anna, and no rights seemed to be beyond the reach of an arbitrary military regime. Just as the American colonists of 1774 had appealed to the British Constitution and to their rights as Englishmen, so the Texas colonists of 1834 appealed to the liberalism of the Mexican Revolution and to the suppressed Mexican Constitution. But the hand of power was not stayed, and in September of the following year, just as General Gage had sent out to seize the stores of Concord in 1775, so Colonel Ugartechea sent out to seize the brass cannon at Gonzales. The first skirmishes took place and like the Continental Congress, the Texas Consultation issued its declaration of causes for taking up arms. The delegates of the Texas Convention at Washington-on-the-Brazos put their signatures to a document which began:

"When a government has ceased to protect the lives, liberty and property of its people, from whom its legitimate powers are derived—"

It was a declaration of independence, and Texas had its fourth flag—its own flag.

Santa Anna had destroyed constitu-

tional government. He had usurped the powers of the legislative and the judicial branches of the government. He had destroyed freedom of speech, freedom of press, right of trial by jury—privileges which were declared by those 58 delegates to be "The palladium of civil liberty and the only safe guarantee for the life, liberty and prosperity of the citizen." (Not a declaration against Mexico or Mexicans but a declaration against a cruel ruler who had seized the government of Mexico and had suspended all constitutional provisions.)

The suppression of these rights by a dictator constituted a challenge to the liberty-loving instincts of our forefathers. They accepted that challenge and one hundred and twenty-nine years ago laid down the political doctrine that the people of Texas would never be ground under the heel of a tyrant, no matter what the cost.

The convention of 58 delegates, three of whom were Mexicans, gave to posterity one of the world's great documents of liberty. We know it as the Texas Declaration of Independence. It was the instrument which wrested a colony of depressed people from the tyrannical rule of a dictator and transformed them into stalwart citizens of a free republic.

After the declaration, there followed 60 of the most colorful days in the pages of history. The Alamo became the symbol for heroic sacrifice on the altar of freedom, San Jacinto became enshrined in the hearts of all Texans as the noblest example of bravery on the battlefield. It proved to be the greatest triumph on American soil in the cause of freedom. These momentous events occurred within two months following the declaration on March 2, 1836. They deserve this commemoration as evidence of our reverence and respect.

It is a thought worthy also of remembrance that the debacle of the Alamo and the massacre of Goliad were both the result of a dictatorship. Human lives and human rights are no longer safe when a ruler usurps the powers of constitutional government.

The Alamo fell, a prey to the ruthlessness of the tyrannical Santa Anna. On March 6, 1836, it was surrounded and captured by an overwhelming army of Mexicans; the few Americans or Texan survivors who

were taken prisoners were massacred under circumstances of atrocity. Among these were David Crockett, Colonel Travis, James Bowie and many others who had distinguished themselves.

The appeal of Colonel William Barrett Travis should be read on every occasion commemorating the Texas revolution. It is an evidence of the heroism and the price paid for the liberty we enjoy. Permit me to quote that appeal:

"Fellow citizens and compatriots, I am besieged by a thousand or more Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender nor retreat. Then, I call on you, in the name of liberty, or patriotism, and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily, and will, no doubt, increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death!"

Travis did not surrender or retreat, but died like a soldier, as did his entire command. Yes; "Thermopylae had its messenger of defeat; the Alamo had none."

It remained for Sam Houston to avenge the Alamo. It is impossible to visit the battlefield of San Jacinto without marveling at Houston's courage. He deliberately chose a battlefield from which there would be no escape if things went badly, and he lured his enemy into that field. Circled by the San Jacinto River, a marsh, and Vince's Bayou, and with Buffalo Bayou at his back, he directed the destruction of the bridge over Vince's Bayou. He had determined to end the war on this field, from which there was no escape. All went well. He won the battle and freed an empire. It was one of the decisive battles of history, although lasting only 20 minutes. Outnumbered more than

two to one, this victory for the Texas forces won the war.

Ten years later with no loss of liberty to the individual Texan, and no loss of self-government, and no breach of continuity, independent Texas became one of the United States.

Who were these Texans who had won their independence as a sovereign republic, sustained it for 10 years, and now voluntarily surrendered it? The answer is simple: they were Americans, who had come to Texas from all parts of the American Unions, and who were simply resuming the old political relationship with their former fellow citizens.

Texas has won the admiration of the world for its progress during the past one hundred and twenty-nine years. The exemplary conduct of Texas' sons in the war just concluded serves to justify the hopes and aspirations of our patriotic forefathers who declared that Texas would be free and independent.

We may draw a comparison between the Texas struggle in 1836 and the war which we have recently been engaged in. In both, we suffered early ghastly losses—Goliad and the Alamo, Pearl Harbor and Bataan. We find the military commanders in both instances biding their time, in the face of bitter criticism. Then the final, ultimate crushing blow, which avenged the early defeats and achieved complete victory.

Texans made a glorious record in 1836 and they distinguished themselves just as gloriously in this last great war; for the cause was the same as it was one hundred and twenty-nine years ago. Then, Texans won a victory for Texas. Recently, Texans have given of their blood and courage to win a victory for the United States of America and for all peace-loving people everywhere.

The memory of this occasion is evidence that Texans have not ceased to venerate the memory of its heroes of 1836. This important history has a very general American significance, and this therefore is an anniversary in which all Americans may take pride. We of Texas feel that we have a double heritage of independence. Two countries are ours, two flags are ours, two glorious histories are ours. We may add to the glamor of Lexington and Concord the glory of the Alamo and San Jacinto. We know that the fires of patriotism burned

in the breasts of Washington, Greene, Wayne, and other famous chieftains of their day, but we know also that the cause of freedom had worthy advocates in Austin, in Houston, in Bowie, in Travis, in Crockett, and the scores of others who had made resplendent the pages of Texas history.

Today we celebrate Texas history; it is also American history. This anniversary is a day for our remembrance and for our proper observance. Let us pledge anew that, as worthy successors of Texas' gallant heroes, we shall prove true to the wondrous heritage of freedom which Texans in recent years as in the past, have struggled mightily to preserve.

Let us today celebrate the greatness and glory of both Texas and the nation, and indulge in the hope that the Lone Star State may continue to be a conspicuous part of this great Republic.

Whereas, On the 27th of March, General Houston, with the main body of the Texas army, reached the Brazos at San Felipe, from whence, for the sake of a secure position, he proceeded some distance above, to Grosse's Retreat, leaving a force of about two hundred men under Captain Baker to guard San Felipe, and sending another small detachment farther down, to Old Fort, to guard the crossing there. At Grosse's, General Houston availed himself of a steamboat, with which to move his troops suddenly to any point they should be needed.

On the 29th, there was a false alarm of the approach of the enemy on San Felipe, whereupon the inhabitants hastily moved their goods across the Brazos, and set fire to the town.

Whereas, Early on the morning of the 10th of April, the advance of the enemy's cavalry appeared at San Felipe, and soon after the main body. General Houston kept a most vigilant eye on their movements. They were prevented from crossing the river at San Felipe by the high waters, as well as by the force opposed by Captain Baker.

On the 11th, it was ascertained that a division of the enemy had begun to cross the river at Old Fort, and that another division had reached Brazoria by way of the coast; whereupon General Houston made preparations to cross his troops over the river, which was effected on the 12th.

Whereas, From the Brazos, General Houston took the line of march eastward, to "Donahue's," at which place roads, running in the direction of Nacogdoches and Buffalo Bayou, intersect. Having previously, from the Brazos, sent dispatches East, to the Red Lands—threatening to carry the war to their doors if they did not turn out—and also orders to volunteers from the United States, then advancing to join him, to halt and fortify on the Trinity, General Houston, on leaving Donahue's, was about to take the road in the direction of Nacogdoches, but circumstances fortunately directed his march towards Harrisburgh.

Whereas, The division of the enemy, which had now crossed the Brazos, was commanded by Santa Anna in person, who, not knowing the force and position of General Houston, seems to have thought that the war was over, and that Texas was won; he, therefore, hastily proceeded to take possession of the small towns of Harrisburgh and New Washington, which places he caused to be burned on the 17th and 20th. But he was mistaken—and never was man more awfully mistaken; the Texans were close upon him; on the 18th day arrived opposite Harrisburgh. During the day, very opportunely for the Texans, and unfortunately for the enemy, a Mexican courier was taken by that most able Texan spy and brave soldier, Deaf Smith. By this courier General Houston got possession of dispatches and documents showing the situation, numbers, plans, and movements of the enemy. On the morning of the 19th, the Texan army crossed and proceeded down the right bank of Buffalo Bayou, to within about a half mile of its junction with the San Jacinto. Here, on the morning of the 20th, they took up a position in the edge of timber skirting the Bayou, having the timber in the rear, and in front an extensive prairie, interspersed with a few islands of timber.

Fortunately for the Texans, they had now received two pieces of artillery, and, more fortunate still, were about to meet with but one division of Santa Anna's army, and that commanded by himself in person; having thus the chance of striking a decisive blow, with comparatively little risk.

Whereas, They had occupied their position but a short time, when Santa Anna came marching up in front,

with his army in battle array. He was repulsed by a discharge from the Texan artillery, whereupon he fell back, and with his infantry occupied an island of timber about a quarter of a mile distant from the left of the Texan encampment; a little more remote, to the right of the same, he planted his artillery; and at an intermediate point, his cavalry.

During the day there were several skirmishes between the two armies. One of the most important, as subsequently related by General Houston, was between the Texan artillery and the Invincibles of Santa Anna. Just as the former had reached the summit of a swell in the prairie, the latter, in their imposing uniforms of high white caps and white pantaloons, appeared dashing down the opposite swell. The Texans opened a fire of their artillery, when the Invincibles, taken by surprise, broke and retreated. In the result of this affair, the Texans not only had a decided advantage over the enemy, but gained confidence. The "Invincibles" had yielded.

Whereas, Another action of some importance was towards the close of the day, between about eighty men under Colonel Sherman and the enemy's cavalry. This was at the distance of about three-quarters of a mile from the Texan camp, near the San Jacinto, where the enemy had then taken a position in the edge of the timber skirting the river, from whence, in front of their camp, they had thrown up a considerable breastwork. Sherman went out to reconnoitre and to get possession of the enemy's artillery, supposed to be at an intermediate point between the two encampments; with the understanding that he was to be sustained by the body of infantry under Colonel Willard, which was at the same time drawn out. Not finding the piece of artillery, which had been removed, Sherman proceeded to reconnoitre. Seeing the enemy's cavalry drawn up in front of their entrenchment, ready for an engagement, he charged upon them, drove them back behind their infantry, sustained the fire of the latter for some minutes and then, in danger of being surrounded and cut off by superior numbers, after having performed some feats of daring chivalry, retreated, with the loss of advantage, though not of credit.

During the morning, the ever memorable morning, of the 21st, the en-

emy, reinforced by five hundred choice troops under General Cos, were seen actively engaged in fortifying their position. It was time that the great conflict for the soil of Texas should be decided; the Texans were impatient; delay would only increase the already great disparity of the forces opposed. General Houston held a council of his officers. It was determined to attack the enemy at their breastwork. General Houston relied upon the impetuosity of Texans in a charge; he was not deceived. He gave orders for the bridge over Sim's Bayou, on the only accessible road to the settlements on the Brazos, to be destroyed, to prevent all escape; and at half past 3 o'clock p.m. the army began to move in three divisions. The General himself led the van. They moved on with the stillness of death; not a drum, nor fife, nor voice was heard. Everyone was rousing his soul for the conflict. When within two hundred yards of the enemy, they were formed in line of battle, and received with a shower of musket balls and grapeshot. They then marched to the attack with trailed rifles—silent, but swift and determined. When within seventy yards the word was given, "fire!"—and an instantaneous blaze poured upon the enemy the missiles of destruction, literally mowing them down into the arms of death. Then the word "charge!" was given, accompanied by the soul-stirring tune of "Yankee Doodle." The effect was electrical; language cannot describe its exhilarating power; new ardor seized the souls of the Texans; their native country, her victories and her power, came to their minds; they felt that they were invincible. "Yankee Doodle" was heard above the roar of arms; and, with the shout of "the Alamo," they rushed upon their foe—and victory rewarded their valor, and vengeance atoned for their wrongs. Seven hundred Mexicans lay a sacrifice to the shades of departed heroes slaughtered at the Alamo and Goliad.

Thus ended the glorious battle of San Jacinto, and the Mexican dominion in Texas.

Whereas, Few battles of the world have been more decisive and tremendous in their influence over civilization than the Battle of San Jacinto. It changed the map of the North American continent and opened the way for the United States to extend its boundary to the Rio Gran-

de on the southwest and to the Pacific Ocean on the west. It sealed the destiny of the Texas Republic; confirmed its Declaration of Independence; drove from the country east of the Rio Grande an invading host, and established liberty where tyranny sought to enthrone itself. The slaughter of the defenders of the Alamo; the murder of Fannin's command at Goliad; the butchery of Ward's and King's troops were the compelling events which drove Houston's brave men to fight like demons when the imperious Mexican faced them on the field of battle.

On his retreat from the Colorado and Brazos, Houston reached a point opposite Harrisburgh on the Buffalo Bayou April 18th. From here he sent his scouts, Henry W. Karnes and Deaf Smith, across the bayou in search of information of the Mexican army. They soon returned to Houston's camp with two Mexican couriers carrying dispatches from General Filisola to Santa Anna. This was the first information Houston had received that Santa Anna was personally in command of those troops. Orders were at once given to cross the bayou, the companies were formed into line, and Houston rode up and addressed them. He told them that they must prepare for battle. That the enemy was near, and whenever and wherever he was found he proposed to give battle. He gave them as the battle cry, "Remember the Alamo! Remember Goliad!" Instantly the words were shouted out by every man present. General Houston referred to the cruelties of Santa Anna's army; the slaughter of Travis; of Crockett; of Bowie; of Fannin; of Ward; of King, and their companies; and told them that the opportunity for revenge was near, that a battle was inevitable and victory was sure. General Rusk followed Houston with a strong appeal to the army to act well their part in the battle soon to take place. "They are better equipped than we and their numbers are greater, but God and right are with us and will give us the victory," he said.

Whereas, These addresses greatly inspired every man of the little army, and they awaited only the orders to march. The order was soon given, and the little band fell into line without the beat of a drum or the floating of banners, resolved to conquer or die. And as they marched

toward Santa Anna's troops few words were spoken. Their minds and hearts were fixed on home, their families, their country. Reaching a point a few miles from where the supreme struggle was to be made the army halted. The weary men took shelter under the cover of a grove and slept a short time. General Houston rose at daybreak. Pickets were advanced from every direction and scouts were sent out. The scouts soon returned with the information that Santa Anna with his army was not far distant. As soon as the scouts returned with the information that Santa Anna's army had been located, fires were built preparatory to the cooking of the beeves previously dressed.

Whereas, April 21st has been set aside as a state-wide holiday and is generally observed.

Whereas, The Senate has shown a callousness and a complete disregard for the importance of this outstanding event in the history of our State and Nation, by failing to properly observe this memorable day; therefore, be it

Resolved, By the Senate of Texas, that the Senate pay proper tribute and respect to the memory of those great heroes who were responsible for our Liberty and Freedom, and that immediately upon the passage of this resolution the Senate stand adjourned until 10:30 a.m. Thursday morning in honor of the immortal heroes of San Jacinto.

The resolution was referred to the Committee on State Affairs.

Motion to Set House Bill 207 as Special Order

Senator Schwartz moved that H. B. No. 207 be set for Special Order at 11:00 o'clock a.m. on Thursday, April 6, 1967.

The motion was lost.

Record of Votes

Senators Schwartz, Patman, Wilson, Bernal, Brooks, Jordan, Kennard and Harrington asked to be recorded as voting "Yea" on the above motion.

Motion to Dispense With Consideration of House Bill 207

Senator Schwartz moved that the

consideration of H. B. No. 207 be dispensed with indefinitely.

Senator Aikin raised the Point of Order that H. B. No. 207 was not before the Senate for consideration at this time.

The President sustained the Point of Order.

Welcome Resolution

S. R. No. 266—By Senator Herring: Extending welcome to students of Highland Park School of Austin.

Adjournment

On motion of Senator Reagan the Senate at 8:08 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, March 20, 1967.

APPENDIX

Sent to Governor

March 16, 1967

S. B. No. 36

S. B. No. 64

S. B. No. 380

THIRTY-SEVENTH DAY

(Monday, March 20, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 16, 1967 was dispensed with and the Journal was approved.